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Re: WC Docket No. 04-405

We would like to take the opportunity to voice our opinion regarding Bellsouth's recent petition for forbearance.

Chapel Communications is going into its 10th year of business. We have struggled from a start up to a healthy thriving company with 12 employees, all of which earn better than average salaries with full benefits. We were the first to offer 56K dial access to our county. We were the first to offer broadband (wireless) to our county. We are locally involved and we take an active role in our community. I say this because independent small businesses like ours are the heart and sole of the Internet and important components of a healthy economy. Chapel Communications provides specialized application development, high speed-access using dial services and broadband through the use of DSL, wireless and T-1 connectivity. Our clients range from small businesses to large multi-state corporations. Our access to the "last mile" of copper or fiber to serve these clients is critical to our survival.

Having dealt with Bellsouth on a daily basis for the last 10 years, as well as having and intimate knowledge of Bellsouth's business practices regarding small competitors, (or competition of any kind), we do not believe that it is in the public's interest to rule favorably on the BellSouth petition. We believe our state and our nation are moving in the wrong direction regarding communications regulation. The Telecommunications Act of 1996 laid the groundwork for a revolution in communications competition. Now we are seeing that door slammed shut as one petition after another weakens our ability to compete. Stronger regulation of the Bells and cable companies is needed to insure competition stays alive.

Bellsouth would have you believe that competition is abundant in Central Kentucky, therefore they should be allowed to ease out of obligations or regulations that encourage open access to network elements. Anyone having done business in the area served by Bellsouth can tell you that this just isn't true. Of course if you visit the larger metropolitan areas of Louisville, or Lexington you may find a second carrier, but travel outside those prime locations and you will **NOT** find competition. For 90% of our state, Bellsouth and Alltel have split the control. Each being overwhelmingly dominant in their markets. We CANNOT allow our nations communications infrastructure to move back toward **total monopoly status**.

Every market we have entered has been tread upon by the aggressive RBOC's. We have experienced what we believe to be unfair, predatory practices from Bellsouth. The entire time Bellsouth claims the Independent ISP's are important customers, we see them positioning themselves in a manner that threatens our very existence.

Bellsouth treats ISP'S as competition not as valuable customers. The Internet has thrived based upon independent entrepreneurs spending multiple hours and life savings building their networks. Independent ISP's spend millions of dollars paying Bellsouth for

DSL High Speed Access
WEB HOSTING
NATIONAL DIAL-UP ACCESS
INTERNET PRESENCE
E-COMMERCE
DEDICATED CONNECTIVITY

the use of their network elements. We have never asked for a free handout. We only ask for fair access.

In Kentucky Bellsouth recently authored, lobbied for, and convinced our legislative body to remove broadband from our states Public Service Commission, (HB-627 2004). All the time promising our states legislators that should a problem arise from this deregulation, the ISP would always be able to rely upon the FCC to hear the complaints. Well now it seems this is even too much of an obligation. Without a regulatory body to intervene such as the state PSC or the FCC, the independent ISP hasn't a chance of survival.

The playing field is **NOT** level. The competition is **NOT** strong. Do what is right, deny Bellsouth's request for forbearance. Insure that independent entrepreneurs across the SouthEast will be able to keep their doors open, and insure that consumers who wish to have a choice for their Internet and communications needs will have someone other than large faceless corporation to buy from.

Lee Murphy

President
Chapel Communications, Inc.

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Kentucky Internet Service Providers Association